

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38579 of 2021**

Arising Out of PS. Case No.-10 Year-2013 Thana- BARH District- Patna

Ashok Yadav Son of Late Bhago @ Bhagwat Yadav Resident of Village -  
Dumariya, P.S.- Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

7      11-07-2022                      Let the defects, if any, be removed within four weeks  
from today.

Heard Mr. Arun, learned counsel for the petitioner as  
well as learned counsel for the State.

The petitioner is languishing in custody in connection  
with Barh P.S.Case No. 10 of 2013 corresponding to Session  
Trial no. 31 of 2020/ 11 of 2021 registered for the offences  
punishable under Sections 147, 148, 149, 341, 323, 325, 302 of  
the Indian Penal Code and section 27 of the Arms Act.

As per prosecution case, it is alleged that on  
15.01.2013, the petitioner and other co-accused persons  
assaulted her husband and father-in-law with lathi and danda  
and broken their hands and legs. Thereafter the petitioner fired  
upon her father-in-law over his head and co-accused Sunil



Yadav fired upon the husband of the informant due to which both of them died simultaneously.

It is submitted by the learned counsel for the petitioner that during the course of investigation, it has come that there was a gang rivalry due to which firing has taken place from both the sides and two persons died during firing. The informant is not an eye witness to the alleged occurrence. Petitioner is in custody since 16.07.2019 and apart from the fact that other persons, who have been put on trial in session trial no. 320 of 2017, they have been acquitted by the trial court.

On the other hand, learned counsel for the state vehemently, opposed the bail application of the petitioner and submits that there is specific allegation of firing against the petitioner and he has been found involved in six other criminal cases as mentioned in para-3 of the application.

Having considered the submissions made on behalf of the parties and taking into consideration the gravity of the offence and nature of accusation against the petitioner that he fired on the head of the Father -in-law of the informant resulting into his death on the spot and moreover, the post mortem report also corroborate the prosecution case and further it appears that the trial is going on, this Court is not persuaded to enlarge the



petitioner on bail and as such prayer for bail of the petitioner stands rejected at present.

However, the learned trial court is directed to conclude the trial of the petitioner within a period of six months, failing which the petitioner shall be at liberty to renew his prayer for bail.

**(Harish Kumar, J)**

N.K/-

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